

109TH CONGRESS
2D SESSION

S. 3769

To encourage multilateral cooperation and authorize a program of assistance to facilitate a peaceful transition in Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2006

Mr. ENSIGN (for himself, Mr. NELSON of Florida, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SANTORUM, and Mr. FRIST) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To encourage multilateral cooperation and authorize a program of assistance to facilitate a peaceful transition in Cuba, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cuba Transition Act
5 of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Cuban people are seeking change in
9 their country, including through the 1998 Agree-

1 ment for Democracy, independent journalist activity,
2 and other civil society initiatives.

3 (2) Civil society groups and independent, self-
4 employed Cuban citizens will be essential to the con-
5 solidation of a genuine and effective transition to de-
6 mocracy from an authoritarian, communist govern-
7 ment in Cuba, and therefore merit increased inter-
8 national assistance.

9 (3) The people of the United States support a
10 policy of proactively helping the Cuban people to es-
11 tablish a democratic system of government, includ-
12 ing supporting Cuban citizen efforts to prepare for
13 transition to a better and more prosperous future.

14 (4) The Inter-American Democratic Charter
15 adopted by the General Assembly of the Organiza-
16 tion of American States (OAS) provides both guid-
17 ance and mechanisms for response by OAS members
18 to the governmental transition in Cuba and that
19 country's eventual reintegration into the inter-Amer-
20 ican system.

21 (5) United States Government support of pro-
22 democracy elements in Cuba and planning for the
23 transition in Cuba is essential for the identification
24 of resources and mechanisms that can be made

1 available immediately in response to profound polit-
2 ical and economic changes on the island.

3 (6) Consultations with democratic development
4 institutions and international development agencies
5 regarding Cuba are a critical element in the prepa-
6 ration of an effective multilateral response to the
7 transition in Cuba.

8 **SEC. 3. PURPOSES.**

9 The purposes of this Act are as follows:

10 (1) To support multilateral efforts by the coun-
11 tries of the Western Hemisphere in planning for a
12 transition of the government in Cuba and the return
13 of that country to the Western Hemisphere commu-
14 nity of democracies.

15 (2) To encourage the development of an inter-
16 national group to coordinate multilateral planning to
17 a transition of the government in Cuba.

18 (3) To authorize funding for programs to assist
19 the Cuban people and independent nongovernmental
20 organizations in Cuba in preparing the groundwork
21 for a peaceful transition of government in Cuba.

22 (4) To provide the President with funding to
23 implement assistance programs essential to the de-
24 velopment of a democratic government in Cuba.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) DEMOCRATICALLY ELECTED GOVERNMENT
4 IN CUBA.—The term “democratically elected govern-
5 ment in Cuba” has the meaning given the term in
6 section 4 of the Cuban Liberty and Democratic Soli-
7 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

8 (2) TRANSITION GOVERNMENT IN CUBA.—The
9 term “transition government in Cuba” has the
10 meaning given the term in section 4 of the Cuban
11 Liberty and Democratic Solidarity (LIBERTAD)
12 Act of 1996 (22 U.S.C. 6023).

13 **SEC. 5. MULTILATERAL INITIATIVES RELATED TO CUBA.**

14 The Secretary of State is authorized to designate
15 such sums as may be necessary of total amounts made
16 available for contributions to international organizations
17 to be provided to the Organization of American States
18 for—

19 (1) Inter-American Commission on Human
20 Rights activities relating to the situation of human
21 rights in Cuba; and

22 (2) the funding of an OAS emergency fund for
23 the deployment of human rights observers, election
24 support, and election observation in Cuba as de-
25 scribed in section 109(b) of the Cuban Liberty and

1 Democratic Solidarity (LIBERTAD) Act of 1996
2 (22 U.S.C. 6039(b)(1)).

3 **SEC. 6. SENSE OF CONGRESS.**

4 (a) SENSE OF CONGRESS REGARDING CONSULTA-
5 TION WITH WESTERN HEMISPHERE.—It is the sense of
6 Congress that the President should begin consultation, as
7 appropriate, with governments of other Western Hemi-
8 sphere countries regarding a transition in Cuba.

9 (b) SENSE OF CONGRESS REGARDING OTHER CON-
10 SULTATIONS.—It is the sense of Congress that the Presi-
11 dent should begin consultations with appropriate inter-
12 national partners and governments regarding a multilat-
13 eral diplomatic and financial support program for re-
14 sponse to a transition in Cuba.

15 **SEC. 7. ASSISTANCE PROVIDED TO THE CUBAN PEOPLE IN**
16 **PREPARATION FOR A TRANSITION IN CUBA.**

17 (a) AUTHORIZATION.—Notwithstanding any other
18 provision of law other than section 634A of the Foreign
19 Assistance Act of 1961 (22 U.S.C. 2394–1) and com-
20 parable notification requirements contained in any Act
21 making appropriations for foreign operations, export fi-
22 nancing, and related programs, the President is author-
23 ized to furnish such sums as may be necessary in assist-
24 ance and provide other support for individuals and inde-

- 1 pendent nongovernmental organizations to support democ-
 2 racy-building efforts for Cuba, including assistance for—
- 3 (1) political prisoners and members of their
 - 4 families;
 - 5 (2) persons persecuted or harassed for dissident
 - 6 activities;
 - 7 (3) independent libraries;
 - 8 (4) independent workers' rights activists;
 - 9 (5) independent agricultural cooperatives;
 - 10 (6) independent associations of self-employed
 - 11 Cubans;
 - 12 (7) independent journalists;
 - 13 (8) independent youth organizations;
 - 14 (9) independent environmental groups;
 - 15 (10) independent economists, medical doctors,
 - 16 and other professionals;
 - 17 (11) establishing and maintaining an informa-
 - 18 tion and resources center to be in the United States
 - 19 interests section in Havana, Cuba;
 - 20 (12) prodemocracy programs of the National
 - 21 Endowment for Democracy related to Cuba;
 - 22 (13) nongovernmental programs to facilitate ac-
 - 23 cess to the Internet, subject to section 102(g) of the
 - 24 Cuban Liberty and Democratic Solidarity
 - 25 (LIBERTAD) Act of 1996 (22 U.S.C. 6032(g));

1 (14) nongovernmental charitable programs that
 2 provide nutrition and basic medical care to persons
 3 most at risk, including children and elderly persons;
 4 and

5 (15) nongovernmental charitable programs to
 6 reintegrate into civilian life persons who have aban-
 7 doned, resigned, or been expelled from the Cuban
 8 armed forces for ideological reasons.

9 (b) DEFINITIONS.—In this section:

10 (1) INDEPENDENT NONGOVERNMENTAL ORGA-
 11 NIZATION.—The term “independent nongovern-
 12 mental organization” means an organization that
 13 the Secretary of State determines, not less than 15
 14 days before any obligation of funds to the organiza-
 15 tion, is a charitable or nonprofit nongovernmental
 16 organization that is not an agency or instrumentality
 17 of the Cuban Government.

18 (2) ELIGIBLE CUBAN RECIPIENTS.—The term
 19 “eligible Cuban recipients” is limited to any Cuban
 20 national in Cuba, including political prisoners and
 21 their families, who are not officials of the Cuban
 22 Government or of the ruling political party in Cuba,
 23 as defined in section 4(10) of the Cuban Liberty and
 24 Democratic Solidarity (LIBERTAD) Act of 1996
 25 (22 U.S.C. 6023(10)).

1 **SEC. 8. SUPPORT FOR A TRANSITION GOVERNMENT IN**
2 **CUBA.**

3 (a) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
4 tion to funds otherwise available for such purposes, there
5 are authorized to be appropriated such sums as are nec-
6 essary to the President to establish a fund to provide as-
7 sistance to a transition government in Cuba as defined in
8 section 4(14) of the Cuban Liberty and Democratic Soli-
9 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(14)).

10 (b) **DESIGNATION OF FUND.**—The fund authorized
11 in subsection (a) shall be known as the “Fund for a Free
12 Cuba”.

13 (c) **AVAILABILITY OF FUNDS.**—Amounts appro-
14 priated pursuant to subsection (a) are authorized to re-
15 main available until expended.

○